

REMARKS

Claims 1-20 are pending. No new matter has been added.

CLAIM REJECTIONS35 U.S.C. § 102

Claims 1-20 are rejected under 35 U.S.C. §102(a) and (e) as being anticipated by Bunker et al. U.S. Patent Application Publication #2003/0056116 (hereinafter, Bunker). The Applicant has reviewed the cited reference and respectfully submits that the present invention as recited in Claims 1-20 is neither shown nor suggested by Bunker. The rejection is respectfully traversed for the following rationale.

CLAIM 1

The Examiner is respectfully directed to independent Claim 1 which recites that an embodiment of the present invention is directed to a security indication spanning tree method comprising:

determining asset value of a network node;  
ascertaining exposure rating of said network node;  
establishing a functional priority risk indicator for indicating the likelihood of an attack from another network node; and  
creating a spanning tree schematic of a network including said network node, wherein said spanning tree schematic includes an indication of said asset value.

Independent Claims 10 and 15 recite limitations similar to those of independent Claim 1. Claims 2-9, 11-14, and 16-20 depend from Claims 1, 10, and 15 respectively and recite further limitations of the claimed invention.

According to the Federal Circuit, “anticipation requires the disclosure in a single prior art reference of each claim under consideration”. W.L. Gore & Assocs. V. Garlock Inc., 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983). However, it is not sufficient that the reference recite all the claimed elements. As stated by the Federal Circuit, the prior art reference must disclose each element of the claimed invention “arranged as in the claims”. (Emphasis added.) Lindermann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984).

Bunker does not anticipate or render obvious a security indication spanning tree method that includes the “creating a spanning tree schematic of a network including said network node, wherein said spanning tree schematic includes an indication of said asset value” as is recited in Applicant’s Claim 1. Bunker discloses a method of generating a report of security vulnerabilities within a system which is based upon test results performed by Testers. Bunker teaches that the disclosed Testers house many tools “that can conduct hundreds of thousands of hacker and security tests” (column 2, paragraph [0111]) to determine security vulnerabilities. (column 2, paragraph [0073])

In contrast, in one embodiment of the Applicant’s invention set forth in Applicant’s Claim 1, recited spanning tree schematic may include and is not limited to any of the following indicators: the network node’s asset value; exposure rating; and the risk to preferred or high priority functionality. It should be appreciated that the teachings of the Bunker reference are primarily concerned with detecting security vulnerabilities at certain customer requested points,

through the simulation of hundreds of thousands of security attacks. Contrarily, the Applicant's invention as is set forth in Applicant's Claim 1 is primarily concerned with prioritizing a network component's functionality, and factoring this prioritization into a security threat indication.

In fact, nowhere in the Bunker reference is it taught or suggested that a security threat indication be factored based upon a network component's functionality which is prioritized via factors such as the exposure rating, the economic value of functions, and the economic impact of a disruption to the network node's functionality. Consequently, the Bunker reference does not anticipate or render obvious the embodiments of the Applicant's invention as are recited in Claims 1, 10, and 15.

Therefore, Applicant respectfully submits that Bunker does not anticipate or render obvious the present claimed invention as recited in Claims 1, 10, and 15, and as such, Claims 1, 10, and 15 are in condition for allowance. Accordingly, Applicant also respectfully submits that Bunker does not anticipate or render obvious the present claimed invention as is recited in Claims 2-9 dependent on Claim 1, 11-14 dependent on Claim 10, and that Claims 16-20 dependent on Claim 15, and that Claims 2-9, 11-14, and 16-20 overcome the Examiner's basis for rejection under 35 U.S.C. 102 as being dependent on an allowable base claim.

Additionally, since the Bunker reference does not disclose each element of the claimed invention 'arranged as in the claims' as specified by the Federal Circuit, the U.S.C. §102(a) and (e) rejection is itself incorrect.

## CONCLUSION

In light of the above-listed remarks, the Applicant respectfully requests allowance of the Claims.

The Examiner is urged to contact Applicant's undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

(13) Respectfully submitted,

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